THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.5076 OF 2007

DATED: 17-04-2007

Between :

M/s. Gopal Ganesh, Commission Agents,
D.No.6-26-1604, Shradhanand Gunj,
Nizamabad-503 001, rep. by its Proprietor
Sri Gopal Ganesh

.. Petitioner

And

1. The Mandal Revenue Officer, Nizamabad.,
   And 2 others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.5076 OF 2007

ORDER :

This writ petition is filed seeking a declaration that the order passed by the 2nd respondent under Section 6-A (2) of the Essential Commodities Act, 1955 dated 4-3-2007 directing the 1st respondent to dispose of the stocks seized in public auction while keeping the application of the petitioner for release of the stocks seized as arbitrary and illegal.

This Court having found prima facie case, by order dated 13-3-2007 suspended the impugned order dated 4-3-2007.

A counter-affidavit has been filed by the 2nd respondent – District Collector, Nizamabad stating that the impugned order dated 4-3-2007 is being withdrawn since it is observed that the same is not as per the requirements under Section 6-A (2) of the Essential Commodities Act, 1955.

The learned Government Pleader, under instructions, stated that subsequently the impugned order has been withdrawn and so far no fresh order has been passed.

Having regard to the facts and circumstances of the case, the Writ Petition is disposed of with a direction to the respondents to

consider the application of the petitioner dated 8-3-2007 for release of the seized stocks and pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of one week from the date of receipt of this order. Till such time, the respondents are directed not to pass any fresh order for disposal of the seized stock, if not already passed. No costs.

_____

G. ROHINI, J.

Dt.17–04-2007

gbs

Note: - CC by 19-4-2007